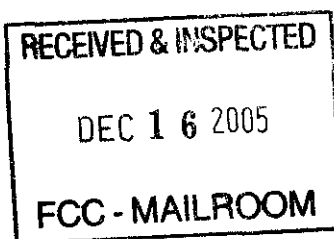


ELSA PUBLIC LIBRARY

DOCKET FILE COPY ORIGINAL

Letter of Appeal
Request for Review of SLD Decision
CC DOCKET NO. 02-6



December 6, 2005

To: Federal Communications Commission
Office of the Secretary
445- 12th Street, SW
Washington, DC 20554

From: Hilda Molina, Library Director
Elsa Public Library
Billed Entity Number: 141647

Appeal Information:

Funding Year: 2005
Applicant Name: Elsa Public Library
Form 471 Application# 472948
FRN's: 1303343,1303424,1303510

Dear Sirs,

I am including all documents I have pertaining to this appeal. I have included a copy of:

- My Form 470 for E-Rate year 8
- The Funding Commitment Decision Letter with the denial of award
- Letter from Ms. Damini Patel, PIA Initial Reviewer
- The SLD response to my appeal and denial of my appeal

When I filed my Form 470 for E-Rate year 8, I made a mistake and entered the incorrect Funding Year date in item 2 of Block 1. I inadvertently entered 07/01/2004- 06/30/2005 rather than 07/01/2005 - 06/30/2006. As you can see on the attached Form 470, my intentions were clear as the Applicant's Form Identifier was entered as ELSA470YR8, and I submitted the Form 470 on 01/05/2005, which was within the prescribed filing time frame for E-Rate funding year 8 (2005).

No. of Copies rec'd _____
List ABCDE _____

December 6, 2005

The error was noticed by the SLD during the PIA review cycle, and I received a call from Damini Patel, PIA Initial Reviewer. As you can see from the attached appeal I submitted to the SLD, Ms. Patel indicated this error was a correctable error and stated she would fax me a letter to correct the mistake.

There was no doubt that Ms. Patel indicated this error would be corrected. As promised, Ms. Patel faxed me the letter for correcting the mistake, and I completed the letter and sent it back to Ms. Patel. A copy of this letter is included in the documents I have enclosed.

It was my understanding that taking this action (suggested by the SLD) would correct the initial mistake on the Form 470.

Despite taking the corrective action initiated by the SLD, I was denied funding based on the mistake I made which was supposed to be corrected by the actions initiated by Ms. Patel.

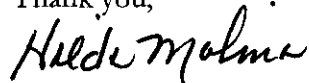
Either my error was correctable or it was not. The SLD, stated that it was correctable as evidenced by the letter sent to me by Ms. Patel. By subsequently denying my application and my appeal, the SLD implies that the information provided to me was false. Is there no accountability by the SLD? If the SLD has guidelines that are administered unfairly, are they not accountable? The applicant should not be penalized for inconsistency within the SLD program.

If the expectation is the applicants should be completely correct and prefect with every application entry, why cannot the same expectation exist for the SLD as well? This agency mandates a fair and competitive process from applicants, and they should administer from the same position. The SLD should be as accountable as applicants for consistency, fairness, and thoroughness during the entire process.

There is no doubt I made a mistake on this submission. There is no mistake that the SLD implied this was a correctable error and it could be corrected. I returned the documents to SLD that they sent to correct the mistake. I believe the SLD has no basis for subsequent denial based on the actions they took to interface with me during the PIA review.

I ask that you review the documents I have submitted, and grant my appeal to have the 3 FRN's referenced reinstated for full funding.

Thank you,



Hilda Molina
Library Director
P.O. Box 1447
Elsa, TX 78543
Phone: 956-262-3061
Fax: 956-262-3066
E-Mail: hilda@elsa.lib.tx.us

[HOME](#) | [CANCEL](#) | [HELP](#)***FCC Form 470***

Universal Service Program Description of Services Requested and Certification Form

**Entity Number: 141647****Contact Person: Hilda Molina****Applicant's Form Identifier: ELSA470YR8****Phone Number: 956-262-3061**

**Please Record This Form 470 Application Number For Future Reference:
This Number Must Be Used To Complete Your Application,
If You Leave This Process Before The Application Is Completed.**

Form 470 Application#: 787830000530002

[Next >>](#)

FCC Form

Approval by OMB
3060-0806**470**

Schools and Libraries Universal Service Description of Services Requested and Certification Form

Estimated Average Burden Hours Per Response: 4.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications

Form 470 Application Number: 787830000530002
Applicant's Form Identifier: ELSA470YR8
Application Status: CERTIFIED
Posting Date: 01/05/2005
Allowable Contract Date: 02/02/2005
Certification Received Date: 01/06/2005

1. Name of Applicant: ELSA PUBLIC LIBRARY		
2. Funding Year: 07/01/2004 - 06/30/2005		3. Your Entity Number 141647
4a. Applicant's Street Address, P.O.Box, or Route Number N. HIDALGO ST.		
City ELSA	State TX	Zip Code 78543
b. Telephone number (956) 262- 3061		c. Fax number (956) 262- 5130
d. E-mail Address		
5. Type Of Applicant		
<input checked="" type="checkbox"/> Individual School (individual public or non-public school)		
<input type="checkbox"/> School District (LEA; public or non-public[e.g., diocesan] local district representing multiple schools)		
<input type="checkbox"/> Library (including library system, library branch, or library consortium applying as a library)		
<input type="checkbox"/> Consortium (intermediate service agencies, states, state networks, special consortia)		
6a. Contact Person's Name: Hilda Molina		
<i>First, fill in every item of the Contact Person's information below that is different from Item 4, above. Then check the box next to the preferred mode of contact. (At least one box MUST be checked.)</i>		
6b. Street Address, P.O.Box, or Route Number		
<input checked="" type="checkbox"/> 711 N. HIDALGO ST.		
City ELSA	State TX	Zip Code 78543

☒ 6c. Telephone Number (956) 262- 3061

☒ 6d. Fax Number (956) 262- 3066

☒ 6e. E-mail Address hilda@elsa.lib.tx.us

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☒ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a signed, written contract executed pursuant to posting of a Form 470 in a previous program year OR a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract do NOT require filing of a Form 470.

What kinds of service are you seeking: Telecommunications Services, Internet Access, or Internal Connections? Refer to the Eligible Services List at www.sl.universalservice.org for examples. Check the relevant category or categories (8, 9, and/or 10 below), and answer the questions in each category you select.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):
☒ the Contact Person in Item 6 or ☒ the contact listed in Item 11.

- b. ☒ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
T1	1+
POTS	1+
ISDN	1+
DSL	1+
T1 PRI	1+

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☒ YES, I have an RFP. It is available on the Web at or via (check one):
☒ the Contact Person in Item 6 or ☒ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internet Access Services you seek. Specify each **service or function** (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional lines if needed.

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

a ☒ **YES**, I have an RFP. It is available on the Web at or via (check one):

☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered **NO**, you must list below the Internal Connections Services you seek. Specify each **service or function** (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections services. Add additional lines if needed.

Service or Function:	Quantity and/or Capacity:
Network Maintenance Contract for E-Rate Eligible items	1+
Hardware Maintenance for E-Rate	1+
Wireless Local Area Network Devices	1+
Router	1+
Wiring Common Internal	5+
Switches	1+
UPS's for E-Rate Eligible items	1+
Web Servers	1+
DHCP Servers	1+
Domain Name Servers	1+
Email Servers	1+
Web Servers	1+
PBX Telephone	1+
Cabinets	1+
Firewall	1+
Voice Mail Service	1+

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name: _____ Title: _____

Telephone number

() - _____

Fax number

() - _____

E-mail Address _____

12. ☒ Check here if there are any restrictions imposed by state or local laws or regulations on how or

when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or provide Web address where they are posted and a contact name and telephone number for service providers without Internet access.

"Vendor must be holder of the State of Texas Department of Information Resources State Master Contract"

13. If you intend to enter into a multi-year contract based on this posting or a contract featuring an option for voluntary extensions you may provide that information below. If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely timeframes).

"Library intends to award a single year contract with 4 voluntary annual extensions."

Block 3: Technology Assessment

14. ☒ **Basic telephone service only:** If your application is for basic local and long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop software: Software required ☒ has been purchased; and/or ☐ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☐ is being sought.

d. Computer hardware maintenance: adequate arrangements ☒ have been made; and/or ☐ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training /additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Services:

Check the ONE choice (a,b or c) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

a. ☒ Individual school or single-site library.

b. ☒ Statewide application for (enter 2-letter state code) representing (check all that apply):

☐ All public schools/districts in the state:

☐ All non-public schools in the state:

☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☒ **If checked, complete Item 18.**

c. ☒ School district, library system, or consortium application to serve multiple eligible entities:

Number of eligible sites	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
If your application includes INELIGIBLE entities, check here. <input checked="" type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Entity	Entity Number
ELSA PUBLIC LIBRARY	141647

18. Ineligible Participating Entities

Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here (attach pages if needed):

Ineligible Participating Entity	Area Code	Prefix
---------------------------------	-----------	--------

Block 5: Certification and Signature

19. The applicant includes:(Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges and universities).

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☒ individual technology plans for using the services requested in the application, and/or
- b. ☒ higher-level technology plans for using the services requested in the application, or
- c. ☒ no technology plan needed; application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☒ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☒

26. Date (mm/dd/yyyy): 01/05/2005

27. Printed name of authorized person: HILDA MOLINA

28. Title or position of authorized person: LIBRARY DIRECTOR

29a. Address of authorized person: 711 N. HIDALGO ST.

City: ELSA State: TX Zip: 78543

29b. Telephone number of authorized person: (956) 262 - 3061

29c. Fax number of authorized person: (956) 2623066

29d. E-mail address number of authorized person: HILDA@ELSA.LIB.TX.US

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

HOME | CANCEL | HELP**FCC Form 470**

Universal Service Program Description of Services Requested and Certification Form

**Entity Number: 141647****Contact Person: Hilda Molina****Applicant's Form Identifier: ELSA470YR8****Phone Number: 956-262-3061**

FCC Form

Approval by OMB
3060-0806**470****Schools and Libraries Universal Service
Program Description of Services Requested
and Certification Form****Do not write in this area****Form 470 Application Number: 787830000530002****19. The applicant includes:(Check one or both)**

- a. ☐ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☒ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☒ individual technology plans for using the services requested in the application; and/or
- b. ☐ higher-level technology plans for using the services requested in the application; or
- c. ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed status, check both a and b):

- a. ☒ Technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ Technology plan(s) will be approved by a state or other authorized body.
- c. ☐ The application requests basic local and/or long distance telephone service only; no technology plan needed.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software,

maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person <i>Hilda Molina</i>	26. Date <i>1/5/05</i>
27. Printed name of authorized person Hilda Molina	
28. Title or position of authorized person Library Director	
29a. Street Address of authorized person 711 N. HIDALGO ST. ELSA, TX 78543	
29b. Telephone Number of authorized person (956) 262-3061	
29c. Fax Number of authorized person (956) 262-3066	
29d. E-mail address of authorized person hilda@elsa.lib.tx.us	

Form 470 Application Number: 787830000530002
ELSA PUBLIC LIBRARY
N. HIDALGO ST.
ELSA, TX 78543-

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

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The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing



Universal Service Administrative Company
Schools & Libraries Division

Date: 9/27/2005

Dear Hilda Molina
Applicant Name: Elsa Public Library
Contact Phone Number: (956) 262-3061
Application Number: 472948

The Program Integrity Assurance (PIA) team is in the process of reviewing all Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. We are currently in the process of reviewing your Funding Year 2005-2006 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

The following FRNs are listed as a tariff (T) or month-to-month (MTM) services: FRN 1303343, FRN 1303424 and FRN 1303510. And Funding Year 2004-2005 Form 470 Application Number 787830000530002 is referenced as the establishing Form 470 for this service. The rules of this support mechanism require that services delivered on a tariff or month-to-month basis be posted for 28-Days to a new Form 470 each funding year. Since the referenced Form 470 was not filed in the same Funding Year as the Form 471, the request is in violation of the competitive bidding requirements relating to tariff and month-to-month services. Please answer the following questions and provide any relevant documentation.

Is there a Funding Year 2005 Form 470 that established the bidding for this tariff or month-to-month service? ☒ Yes ☐ No

The establishing Form 470 application number is 787830000530002 Year 2005-2006

(Sign) Hilda Molina
(Name) Hilda Molina
(Title) Library Director
(Date) 9/27/05

If so, please provide the 15-digit Form 470 Number that established the bidding for this request. The establishing Form 470 is the specific Form 470, which was posted for the services requested for 28 days, and pursuant to which a contract was signed or an agreement was entered into. For a request in the Basic Maintenance service category, it is possible that the establishing 470 was filed under an Internal Connections service category. The establishing Form 470 could have been posted by the State, if the requested services are being purchased off of a State Master Contract.

If a Funding Year 2005 Form 470 was not filed to establish the bidding for this service, please indicate such in writing.

Please fax or e-mail the requested information to attention Damini Patel. If you have any questions, please feel free to contact me. In addition, please try to send me the requested information as one fax and/or attachment in order to maintain better organization of the application process.

It is important that we receive all of the information requested so PIA can complete its review. Failure to do so may result in a reduction or denial of funding.

If we do not receive the information within seven calendar days, your application will be reviewed using the information currently on file. If you need additional time to prepare your response, please let me know as soon as possible.

Should you wish to cancel this application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the application number and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Date Sent: 9/27/2005

Date due for items requested: 10/4/2005

Thank you for cooperation and continued support of the Universal Service Program.

Sincerely,
Damini Patel
PIA Initial Reviewer
Schools and Libraries Division
Program Integrity Assurance
Phone: 973-581-6742
Fax: 973-599-6522
E-mail: dpatel@sl.universalservice.org



Universal Service Administrative Company
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER
(Funding Year 2005: 07/01/2005 - 06/30/2006)

October 5, 2005

Hilda Molina
ELSA PUBLIC LIBRARY
711 N. HIDALGO ST.
ELSA, TX 78543

Re: Form 471 Application Number: 472948
Funding Year 2005: 07/01/2005 - 06/30/2006
Billed Entity Number: 141647
Billed Entity FCC RN:
Applicant's Form Identifier: Elsayr8SBC

Thank you for your Funding Year 2005 E-rate application and for any assistance you provided throughout our review. Here is the current status of the funding request(s) featured in the Funding Commitment Report at the end of this letter.

- The amount, \$19,455.57 is "Denied."

Please refer to the Funding Commitment Report on the page following this letter for specific funding request decisions and explanations.

The Important Reminders and Deadlines immediately preceding this letter are provided to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA Requirements
- File Form 486
- Invoice the SLD using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. The enclosed report includes a list of the Funding Request Number(s) (ERNs) from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) after you file your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that provides a definition for each line of the Report.

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by the SLD or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) e-mail address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,

- Applicant BEN and service provider SPIN,
 - Form 471 Application Number as assigned by the SLD,
 - "Funding Commitment Decision Letter for Funding Year 2005," AND
 - The exact text or the decision that you are appealing.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
 4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by the SLD's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by the SLD's decision.
 5. Provide an authorized signature on your letter of appeal.

To submit your appeal to the SLD by e-mail, use the "Submit a Question" feature on our web site at www.sl.universalservice.org. Click "Continue," choose "Appeals" from the Topics Inquiry on the lower portion of your screen, and click "Go" to begin your appeal submission. The system will prompt you through the process. The SLD will automatically reply to incoming e-mails to confirm receipt.

To submit your appeal to the SLD by fax, fax your appeal to (973) 599-6542.

To submit your appeal to the SLD on paper, send your appeal to:

Letter of Appeal
 Schools and Libraries Division
 Box 125 - Correspondence Unit
 80 South Jefferson Road
 Whippany, NJ 07981

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use either the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our web site. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the Universal Service Administrative Company (USAC) and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD, and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
 Universal Service Administrative Company

IMPORTANT REMINDERS & DEADLINES

Billed Entity Number : 141647

Name of Billed Entity: ELSA PUBLIC LIBRARY

The following information is provided to assist you throughout the application process. We recommend that you keep it in an easily accessible location and that you share it with the appropriate members of your organization.

FCC REGISTRATION NUMBERS (FCC RNs) - Effective November 1, 2004, the FCC's Fifth Order (FCC 04-190 released August 13, 2004) requires E-rate program participants to have FCC Registration Numbers. Please continue to review our web site for additional guidance.

FORM 486 DEADLINE - The Form 486 must be postmarked no later than 120 days after the Service Start Date you report on the Form 486 or no later than 120 days after the date of the Funding Commitment Decision Letter, whichever is later. If you are required to have a Technology Plan, that plan must cover all 12 months of the funding year. You must indicate the name of the SLD-Certified Technology Plan Approver (TPA) prior to the commencement of discounted services for this funding year. You must indicate the name of the SLD-Certified TPA who approved your plan in your Form 486, and you must retain your approval letter and documentation of your monitoring of the progress toward your stated goals.

CHILDREN'S INTERNET PROTECTION ACT (CIPA) - Please review the CIPA guidance in the Form 486 Instructions, Section II, "IMPACT OF CIPA REQUIREMENTS ON FORM 486."

INVOICE DEADLINE - Invoices must be postmarked no later than 120 days after the last date to receive service - including extensions - or 120 days after the date of the Form 486 Notification Letter, whichever is later. Invoices should not be submitted until the invoiced products and services are being delivered and billed, and (for BEAR Forms) the provider has been paid.

OBLIGATION TO PAY NON-DISCOUNT PORTION - Applicants are required to pay the non-discount portion of the cost of the products and/or services. Service providers are required to bill applicants for the non-discount portion. The FCC has stated that requiring applicants to pay their share ensures efficiency and accountability in the program. FCC 04-190 concluded that a presumptively reasonable timeframe for a beneficiary to pay its non-discount share is 90 days after the completion of services. If you are using a trade-in as part of your non-discount portion, please refer to the web site for more information.

DOCUMENTATION RETENTION - FCC rules require that documents demonstrating compliance with the statute and Commission rules must be retained for a period of at least five years after the last day of service delivered. See "Document Retention Requirements" in FCC 04-190 for a descriptive list of many of the documents you must retain.

SUSPENSION AND DEBARMENT - Persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the Schools and Libraries Support Mechanism are subject to suspension and debarment from the program.

FREE SERVICES ADVISORY - Applicants and service providers are prohibited from using the Schools and Libraries Support Mechanism to subsidize the procurement of ineligible or unrequested products and services, or from participating in arrangements that have the effect of providing a discount level to applicants greater than that to which applicants are entitled.

Complete program information - including more information on these reminders - is posted to the SLD section of the USAC web site at www.sl.universalservice.org. You may also contact the SLD Client Service Bureau by e-mail using the "Submit a Question" link on the web site, by fax at 1-888-276-8736 or by phone at 1-888-203-8100.

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each E-rate funding request from your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by the SLD.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted on a Form 471.

FUNDING STATUS: Each FRN will have one of the following definitions:

1. An FRN that is "Funded" is approved at the level that the SLD determined is appropriate for this FRN. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for this Funding Year was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and a message that your Internal Connection requests are "As Yet Unfunded." You would receive one or more subsequent letters regarding the funding decision on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support mechanisms. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471. This will be present only if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a. This will be present only for "site specific" FRNs.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved in the funding year. This will be present only for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY THE SLD: The discount rate that the SLD has approved for this service.

FUNDING COMMITMENT DECISION: This represents the total amount of funding that the SLD has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that you and your service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

FUNDING COMMITMENT REPORT
Billed Entity Name: ELSA PUBLIC LIBRARY
BEN: 141647
Funding Year: 2005

Form 471 Application Number: 472948
Funding Request Number: 1303343
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 787830000
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Contract Number: MTM
Billing Account Number: 9562623061
Service Start Date: 07/01/2005
Contract Expiration Date: 06/30/2006
Site Identifier: 141647
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$5,040.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$5,040.00
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Filed
Funding Commitment Decision Explanation: The FRN references services that require a posting of a 470 for each Funding Year.

FCDL Date: 10/05/2005
Wave Number: 015

Funding Request Number: 1303424
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 787830000
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Contract Number: MTM
Billing Account Number: 9562623061
Service Start Date: 07/01/2005
Contract Expiration Date: 06/30/2006
Site Identifier: 141647
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,954.80
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$4,954.80
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Filed
Funding Commitment Decision Explanation: The FRN references services that require a posting of a 470 for each Funding Year.

FCDL Date: 10/05/2005
Wave Number: 015

FUNDING COMMITMENT REPORT
Billed Entity Name: ELSA PUBLIC LIBRARY
BEN: 141647
Funding Year: 2005

Form 471 Application Number: 472948
Funding Request Number: 1303510
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 787830000
SPIN: 143004662
Service Provider Name: Southwestern Bell Telephone Company
Contract Number: MTM
Billing Account Number: 9562623061
Service Start Date: 07/01/2005
Contract Expiration Date: 06/30/2006
Site Identifier: 141647
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$10,828.20
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$794.30
Pre-discount Amount: \$11,622.50
Discount Percentage Approved by the SLD: N/A
Funding Commitment Decision: \$0.00 - 470 Not Filed
Funding Commitment Decision Explanation: The ERN references services that require a posting of a 470 for each Funding Year.
FCDL Date: 10/05/2005
Wave Number: 015

October 12, 2005

Letter of Appeal, Schools and Libraries Corporation
Box 125-Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Letter of Appeal form FCD Letter dated October 5, 2005

Applicant: Elsa Public Library
Form 471 Application Number: 472948
Entity Number: 141647
Funding Year 2005: 07/01/2005 - 06/30/2006

Please accept this letter of appeal as notice that the Applicant Elsa Public Library challenges the funding request decisions contained within School and Libraries Division's letter of October 5, 2005 as follows:

The following FRNs are listed as tariff or month-to-month services:

Funding Request Number 1303343 sought \$ 5,040.00

Funding Request Number 1303424 sought \$ 4, 954.80

Funding Request Number 1303510 sought \$ 11,622.50

for Telecommunications Service provided by Southwestern Bell Telephone Company with discount of 90%. The denial reflects the funding position of the fund administrator for Year 2005 applications as " The FRN references services that require a posting of a 470 for each Funding Year."

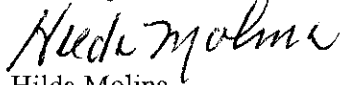
We believe this funding determination is in error because the Form 470 Number 787830000530002 was submitted on January 5, 2005 for Funding Year 2005: 07/01/2005 - 06/30/2006.

On September 27, 2005 I received a call from Damini Patel, PIA Initial Reviewer. Ms. Patel brought it to my attention that the Funding Year 2004-2005 Form 470 application number was not filed in the same Funding Year as the Form 471, the request is in violation of the competitive bidding requirements relating to tariff and month to month services. I told her that when submitting the Form 470 I mistakenly entered the wrong Funding Year: " 07/01/2004 -- 06/30/2005". Ms. Patel said she would fax me a letter and answer the questions and fill in the correct information needed. The information she request was faxed back that same day (09/27/5005). Ms. Patel said this would take care of the problem.

We hereby request that the SLD restore Elsa Public Library funding as originally requested for the amount of \$19,455.57.

Thank you in advance for your expeditious consideration of this appeal. If you require further information or comment, you may contact me.

Sincerely,



Hilda Molina

Library Director

P.O. Box 1447

Elsa, TX 78543

Phone: 956-262-3061

Fax: 956-262-3066

E-mail: hilda@elsa.lib.tx.us



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

November 17, 2005

Hilda Molina
Elsa Public Library
P.O. Box 1447
Elsa, TX 78543

Re: Applicant Name: ELSA PUBLIC LIBRARY
Billed Entity Number: 141647
Form 471 Application Number: 472948
Funding Request Number(s): 1303343, 1303424, 1303510
Your Correspondence Dated: October 12, 2005

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of SLD's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1303343, 1303424, 1303510
Decision on Appeal: **Denied**
Explanation:

- On your appeal for Elsa Public Library, you seek reversal of SLD's decision to deny the funding request because the services requested require a Form 470 to be posted for each Funding Year. You state that the incorrect funding year was entered on the Funding Year 2005 Form 470. You include documentation verifying the Library's bidding process and compliance to program rules with your appeal.
- Upon review of the appeal and the relevant supporting documentation, it was determined you entered the incorrect funding year on the Form 470 application. Although the posting date of January 5, 2005 falls within the current year window, the Form 470 is not valid for the services requested. The rules of this support mechanism require that services delivered on a tariff or month-to-month

basis be posted for 28-days to a new Form 470 each funding year. You are also responsible for the accuracy of the information submitted to SLD. It is ultimately the applicant's responsibility to ensure their application be in compliance with the FCC rules.

- On your Form 471 you indicated that Form 470 application #787830000530002 is the establishing Form 470 for the services requested. This Form 470 does not post for the funding year associated with the funding request. Therefore it did not that establish the bidding process which is a violation of the competitive bidding requirements of the support mechanism. Therefore, your appeal is denied.
- The Form 470 associated with your funding request is for a prior funding year. Your Form 471 indicates that you are seeking discounts for tariff or month-to-month services for the current funding year. FCC rules require that except under limited circumstances, all Forms 470 received be posted on the USAC web site for 28 days, and that applicants carefully consider all bids received before selecting a vendor, entering into an agreement or signing a contract, and signing and submitting a Form 471. 47 C.F.R. §§ 54.504(a) and (b), 54.511(a) and (c). These competitive bidding requirements help ensure that applicants receive the lowest pre-discount price from vendors. See Federal-State Joint Board on Universal Service, CC Docket No. 96-45, *Order on Reconsideration*, 12 FCC Rcd 10095, p. 10098, FCC 97-246, ¶ 9 (rel. Jul. 10, 1997). This posting requirement applies to requests for discounts for month-to-month or tariff services as well as contracted services. 47 C.F.R. § 54.504(b).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either the SLD or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company